Alcorn's Chicken Cholera Cure

Will make hens lay more eggs. A larger per cent. of fertile eggs and the chicks will be the pistol when found? stronger and healthier. Price, 50c.

FLAW IN THE INDICTMENT.

Continued from First Page.

Tuesday Afternoon Session.

Nearly all the afternoon was consumed by the attorneys preparing their pleading growing out of the two indictments and tell him what he thought of him. Gec. in the case. The defendant entered two and that he was a dirty, low down eopardy; the law being that a man cannot be tried twice for the same offense; and the contention of the defense is that identically the same offense is charged in both indictments, and the same man referred to; that the deceased was known as J. D. Godfrey, and J. G. Godfrey, and Prof. Godfrey; and that having been put on trial once for the killing of this man he cannot be tried again for the Godfrey away, nor see her get in besame offense.

The State joined issue upon these pleadings. They denied that J. D. and J. G. Godrey were the same, or that the defendant had ever been on trial for the killing of J. G. Godfrey. And upon these pleadings the jury was sworn. The witnesses for both sides were also the conversation took place. I can't called and sworn and put under the rule, and court then adjourned until Wednesday morning at 9 o'clock.

First Witness Called.

Court convened promptly at 9 o'clock amination in chief.

7 miles northwest of Columbia; fatherin August, 1898; his name was James G. Godfrey; he lived on Williamsport pike, one and a half miles from Colummy house. Farm belonged to Mrs. Godwhere his hands were plowing. From where he was he could plainty see my make a survey dividing the farm be we reached the front gate of the Fly and Lee Harlan, colored, and went on to do the surveying. In a comparatively short time Mr. Thomas

(Godfrey would kin Indianal Hearth his hands clasped across his stomach and bending over as in pain, and looking like he would fall. He was looking was, and hitched his horse. I was the hindmost man in the surveying party; Godfrey was in front; he and Mr. Wood were near together. Godfrey was not the knife in his left hand. I could not two and fell, saying as he fell, "I'm he passed me I spoke, and he said, frey saw Thomas until Thomas spoke. Answer: He had a small walking "Good morning, Uncle George." He then he threw up his right hand and cane in his hand, but made no effort to not in the direction of Thomas when Thomas accosted him.

"Where was Mr. Wood?" Thomas had to pass Wood to reach Godfrey. I heard voices but couldn't unders'and Godfrey ran his hand into his pistol what was being said, except this: Thomas said to Godfrey, "Didn't I order you not to come on my place any more?" Godfrey's back was towards him when didn't have any such conversation with Thomas first spoke. Godfrey turned and raised his right hand and looked C. A. Forgey after the difficulty and he excited or scared, and said, "Go away, asked me about it. I didn't tell him I don't want to have any trouble, backing as he spoke. Thomas said, "If that's your game we'll play it." Godfrey had a small stick in his left hand; nothing in his right hand I don't know what became of Thomas' knife. When he (Thomas) turned near the oak tree, I saw a pistol in his right hand, and he still had it in his hand when he

spoke to Godfrey.

After the words I have above repeated, Thomas fired three shots in quick succession. At the first shot Godfrey started to run, having his back the witness stand all the forenoon, was or side towards I homas; at the first fire still on the stand when court convened Godfrey bent forward; his back was to- in the afternoon. He had been exam wards me, but from the position of his ined in chief by the State, and cross elbows he appeared to have his hands on examined by the defense, and was now his stomach. There was considerable again in the hands of the State to be re intermission between the third and amined by them. He was asked further fourth shots. Between the third and questions as to what was said at Thomas' fourth shots Thomas followed Go frey gate at the famous peace conferance and was about eight feet away when he which came so near resulting in a battle. shot, Godfrey had travelled, or rather He said that when they got to quarrelstaggered, in a circuitous way about ing-Thomas and Godfrey, he told them forty steps, Thomas following him. At both that he had come there for peace, the fourth shot be (Godfrey) was stand- not for trouble. That Thomas became | ing still, with his side still towards so beingerent and angry that he proposed Thomas, and when this shot was fired to Godfrey that they fight it out right what you are trying to get at. he fell on his right side and face, there and then, but that Godfrey neither Thomas had kept behind Godfrey, all accepted nor declined the challenge.

ber 17, 1900. Godfrey's cane was found too much the presence of a lady to fight near where the first shot was fired. He or quarrel in her presence, and that both had a sore foot, and this was a small he and Godfrey got on their horses and walking stick. Godfrey made no de left the scene. monstration to fight, that I saw. He Question: seemed scared and wanted to get away, cuity, when you left the scene of the I heard Lee Harlan say to Thomas, tragedy, where was Godfrey and what

"Don't do that." censed were at the time, and also his still alive, but in a dying condition. I watch, were put on exhibition and iden left to make arrangements for the retified, showing bullet holes in the back moval of his body, and to notify my of the vest and also of the coat and one daughter, his wife, of his condition. over the right hip pocket of his pants.

Witness testified that Thomas had there, found before or after you had approached? the farm rented from Mrs. Godfrey. He left? said he knew the deceased as James G. Godfrey, or Professor Godfrey. He Question: Did you meet Dr. C. A. never knew him to be called James D. Forgey the day of the killing, and have

Cross Examined by Mr. Voorhies.

The purpose of the cross-examination was evidently to lay grounds for contradiction or impeachment. In answer to the questions, witness said that soon after he saw Thomas in the Concord field, Godfrey came to him in his (witness') field. He knew there had been unpleasant feelings between Godfrey and Thomas. At Godfrey's request, in September or October, 1899, he had gone to Thomas and told him that Godfrey wanted him to come to his (Thomas') the next most important witness in the

front gate and have a talk with him and record was called to the stand. make friends. Thomas accepted the nvitation very readily and went, but instead of making friends, the conversation led to a fuss, but he did not hear at the beginning of the conversation Godfrey tell Thomas that after a night of restlessness, he had concluded to come pleas; first, not guilty; second, once in scoundrel. Godfrey told him that he had been informed that he (Thomas) was circulating the report that he (Godfrey) was a gambler and whiskey drinker Thomas denied it; said that the man who said it was a liar, and Godfrey said that the man who said it was a liar, and from that they got into hot words about Mrs. Thomas came down to where they were, but I did not hear her order Gus Moore, Lee and Sam Harlan. tween them to prevent a difficulty.

When Godfrey asked me to take the message to Thomas, he told me that Mr Lip Beard would also be there, but be did not tell me that he would be there to act as a witness in case any difficulty occurred. Mr. Beard was there when say that instead of making friends Godfrey provoked the difficulty. Thomas Harlan next with the chain. I was gave occasion to him to get his mettle next to him, Sam Harlan next to me, up. Thomas never told me he didn't and Mr. Howell following. Mr. Godfrey want any difficulty with Godfrey; never was not doing any of the work, and was Court convened promptly at 9 o'clock asked me to keep him away from there, standing 15 or 20 feet to one side, just and the first witness called by the State All that is new to me. I never told looking on. was Mr. Geo. W. Howell, prosecutor in Thomas or Carter Stone to keep Godfrey the case, and father in law of the deceased. Mr. Hughes conducted the exponence of my grandchildren's money and Answer: Not until would squander the balance if he got me, or passing me, his right side to me; The witness testified in substance as hold of it. No such conversation ever he had passed Mr. Howell and Sam follows: Am 72 years old: live in 10th took place. I did not state to Thomas Harian before reaching me, district; lived there nearly all my life; or any one else that I would not have gone after him, and invited him there to if anything, and what reply did he in law of deceased: they were married make friends, and then had this trouble make, if any, and what took place? to occur for \$250.

day, I did not stay and talk with that circumstance, and the expression bia, on his wife's farm, which is east of Thomas and his wife at all. Didn't on his face, I feared some trouble. So meet Stone afterwards and tell him I said to him as he passed, "hold up. frey and the Fiy children; her first hus about the difficulty at the gate, and say band's children. I saw Thomas that that I would give \$250 to settle it. morning early in the "Concord" field, Godfrey's manner that morning at the gate was not over-bearing. He had nothing in his hand and was not armed told you to stay off of this place house. Shortly afterwards, Godfrey that I know of. His general character rode up to me in the field, and after a was not that of an overbearing, tyraunishort conversation between us we went to my barn lot to unload a wagon of and tell Thomas that Godfrey had made treat, to move backward. corn; Godfrey helping me unload. We bloody threats against him, and that I went from there to the Fly farm to would give \$250 to settle the dispute between them; never told Thomas or Stone tween the heirs-the children of Mr. that Godfrey had threatened to kill frey turned and started to run, looking Fly and Mrs. Godfrey. Thomas could Thomas. I never asked either of them have seen us as we were going. When to attach the wheat or told them that like, not straight, and Thomas followed Godfrey had a'ready squandered \$3,600 him, firing three times in quick succesfarm we met the County Surveyor, Mr. of the children's money, and that he sion. By that time Godfrey had traveled W. B. Wood, and Gus Moore, and Sam (Godfrey) would kill Thomas if neces nearly to the fence, and stopped, with

came up; he rode to near where I Thomas hitched his horse about 50 or back over his shoulder at Thomas. looking in my direction, and did not see see his right hand then, but when he killed."

Thomas at that time. Thomas hitched turned north at the oak tree his hand Quest rapidly in the direction of Godfrey. As saw the pistol in it I don't think God- defend himself? had an open knife in his left hand. I saw looked scared and said he did not want use it. Dropped it, I think, when the it distinctly. He went straight towards a difficulty and started as if to run, and first shot was fired. I was watching Godfrey, and spoke to him. I couldn't Thomas said: "If that's your game him most of the time after the shooting hear what he said. Mr. Wood and Sam we'll play it." Godfrey did not have a began; he drew no weapon nor made any and Lee Harlan were closer to him than stick in his right hand, and did not demonstration whatever that I saw. He I was. They were not far from the oak strike at Thomas with it; he did not put was retreating all the time, looking back tree, Godfrey looking north east, and his hand in his back pocket. I didn't over his shoulder at Thomas, with his see him draw his pistol; if he had any, I didn't know it.

I know Carter Stone; saw him there after the shooting. I didn't say to him, pocket, and that Thomas was too fast for him. I didn't say it to Frank Moore, either. I made no such remark I Jonas Erwin in Columbia. I met Dr. that Godfrey pulled his pistol, and that it was found there.

We rented the place to Thomas in January, 1899, for three years, for \$550 per year, payable semi annually. He paid the first two notes promptly. The cross examination was finished at noon, and at the afternoon session the

witness was turned over to the State for re examination.

Wednesday Afternoon's Session. Mr. Geo. W. Howell, who had been on That when Mrs. Thomas came upon the This occurred in Maury county Octo scene, Prof. Godfrey said he respected

Question: On the day of the diffiwas his condition?

At this juncture the clothes the de- Answer: He was lying on the ground. Question: Was the pistol found

Answer: After. Question: Did you meet Dr. C. A. any conversation with him; and if so, what was said?

Answer: Yes, I met him, and he stopped me and asked about the killing and I told him briefly and in part what I have told here, but nothing contradictory. I hurried on to my daughter's residence, knowing or believing that her husband's body was on its way there then.

And with this the witness was allowed to stand aside, and

County Surveyor W. B. Wood,

Mr. Wood testified that he was the County Surveyor, and that on the day his pistol? of the killing had gone to the Fly farm, working under a decree of the Chancery him draw. After he passed me a few Court, to divide the land according to steps, he halted just a moment and then the terms of the will. He got there fired, about 8 a. m. Was overtaken by Mr. W. Howell and Mr. Godfrey.

you to do the work, or had any conversation with you on the subject. Answer: He had not. I telephoned im the night before to know if he sould meet me there, and he said he

Question: Had Mr. Godfrey employed

you started your work that morning?

when Thomas came.

Answer: We had measured 297 yards, what the relative position of all present, him.

when Thomas came up. Answer: We were standing still at Moore was in front with the flag; Lee

Question: When did you first see the

Answer: Not until he was right at Question: What did you say to him,

occur for \$250.

Answer: I saw something in his After Godfrey and Beard had left that hand, which I took to be a knife. From John, don't do anything like that." and reached out and tried to stop him; but he passed quickly by and made no answer to me, but said to Godfrey, "I

Question: What did Godfrey say? Answer: I did not hear his reply if he made one, but saw him start to re-

Question: Then what took place? Answer: Thomas paused just a moment, then fired. At the first shot Godback as he retreated. He went circling

Answer: He had a small walking way. hands clasped across his stomach. Question: Did you see a pistol picked

up there? Answer: Yes, I saw Lee Harlan pick up a pistol. He picked it up seven or eight feet from where Godfrey was standing at the last shot, and some four or five feet from where he had passed. Question: How far from where

Thomas was? Answer: Perhaps ten or twelve feet.

Cross-Examined by Mr. Figuers: Who employed you to do this sur-

Answer: One of the attorneys. Question: Had you not been told, and did you not tell Mr. Godfrey, that there would likely be trouble if he went

veving?

on that farm? Answer: No; I did not know of any serious trouble between them. I had heard that they were not on the best of terms, but did not know of anything drap it.

serious. Question: Didn't you warn Godfrey? Answer: I did not. Didn't you tell him Question:

Thomas would get him? Answer: I did not. Question: Didn't tell him anything

of the kind? Answer: I did not. Because I was not expecting anything of the kind When we reached the potato patch Godfrey said, "maybe we had better go 'round that;" and I said, "maybe you had: Thomas might object to you being in his potato patch." I suppose that is

Question: You say Thomas had a knife in his hand? Answer: I said I thought it was a

Question: Didn't you say at the time that it was a splinter, and he threw it away?

Answer: I did not. Question: What did he have in his left hand? Answer: His right side was towards

me, I did not see his left hand. Question: You say you were looking at Godfrey when Thomas approached him, and that he was facing Thmas? Answer: Yes.

Question: How far apart were they, and what was Godfrey doing as Thomas Answer: Fifteen or twenty feet apart:

Gonfrey leaning or resting on his stick. Question: After the shooting began you kept your eye on Godfrey, although he was making no demonstration, and the other man was doing the shooting? Answer: Yes. When you see a man shooting at a mark, you watch the mark, not the man; at least I do.

Question: That pistol found by Lee your brother Sam? Harian, what became of it? Answer: I took charge of it; put it in Luther Thomas' safe.

Question: You and the defendant are not on very friendly terms, are you? Answer: I suppose we are. Question: Did you not go for four years without speaking to each other? Answer: No. There was a coolness pulled his pistol and fired.

once between us, but we never stopped speaking.

Re-Examined by State. Question: What was the condition of

Answer: It was full loaded.

Question: Did you notice and exmine to see if any of the cartridges had been fired or snapped? Answer: I did: they had not.

Question: When did Thomas draw

Answer: I don't know. I did'nt see

Lee Harlan, Colored,

Another eye witness to the killing, was next called. He is a cropper on the Russell Estes farm. Mr. Godfrey, he said, had employed him to take the surveyor's instruments to the Fly place that morning, and he was carrying the chain in front and sticking the pins. The Question: Who was with you when pins had run out and they were all at a stand still, and he had turned and was Answer: Mr. Howell, Mr. Godfrey, facing the others, when he saw Mr. Thomas ride up, dismount, hitch his Question: How long had you been there, or how much work had you done, fence, and start in his direction. He, Thomas, came up behind the other members of the surveying party. Heard Question: What were you doing, and him speak to Mr. Howell, as he passed Came on to where Mr. Godfrey was, and when he, (Thomas) got nearly there, he (the witness) heard Mr. Wood the time, waiting for a count of the pins. say, "stop, John, there's no need of

Question: What did Thomas say and do then?

Answer: He pressed on towards Mr. Godfrey, with a knife in his hand, and said, "Godfrey, did'nt I tell you never to put your foot on this place again?" Question: Which way was Godfrey facing at that time?

Answer: He was looking at Mr.

Thomas. Question: Weil, what occurred then? Answer: Mr. Godfrey threw up his eft hand like this, and his right hand like this, and began to back and say, 'go way, go way, I don't want any trouble with you,"
Conestion: Well, go on, what oc-

curred then? Answer: Mr. Thomas he pressed on, and he say, "if that's your game we'll play it;" and he put his right hand in his pants pocket and drew his pistol.

Question: What was Godfrey doing He had his left hand up like I showed you, and his right hand down, and was backing away; but when Mr. Thomas drew his pistol, Mr. Godfrey sorter turn ike he was gwine to run.

Question: Well, what occurred right Answer: Right then Mr. Thomas commenced shooting, and at the last shot, Mr. Godfrey fell down and said, now you have killed me."

Question: Well, what else was done or said there? Answer: I went and turned Mr. God-

frey over on his back, and straightened him out. Mr. Thomas was standing close by, and I said to him, "Mr. Thomas, I told you not to shoot that man no more; now you have killed

make to that?

Question: Did Godfrey draw any got to do with it; do you take it up? his horse, took off his coat and walked was extended in front of him, when I weapon or make any demonstration to And I said, "no, sir, but I hate to see an innocent man butchered up that

Question: Well, had you told Thomas not to shoot Godfrey, and if so, when? Answer: When he first started towards him, I told him not to shoot and buried her head in the bed clothes.

Question: What did Godfrey have in his hands? Answer: Nothing. Question: Could you see both hands?

Anewer: Yes, sir. Question: And he had nothing in either hand? Answer: No, sir.

Question: What did he do? Answer: Did'nt do nothing but throw up his hand and turn to run. Question: Do you know anything about a pistol being found thore, and who found it, and what became of it?

Answer: Yes, sir, I found a loaded pistol there, and gave it to Mr. Billy Wood. CROSS EXAMINED: You say Godfrey had nothing in his hand; did'nt he have

a stick? Answer: He did have a stick at first. Question: Did'nt he have it when he raised his hand?

Answer: I don't know; he must 'er

Question: When did he drap it? Answer: When did he drap it? Question: Yes, when did he drap it? Answer: I think it must er bin the fust time?

Question: What first time? Answer: The first time he (Thomas) approached him, (Godfrey.) Question: Oh, there were two times

more, were there? Answer: Yes, sir. He pressed on Question: Did he? Why,

didn't tell the Attorney-General that. Answer: He didn't ax me. Question: Well, tell me about it What occurred the first time?

Answer: The first time Mr. Godfrey just run between Mr. Wood and my brother. * Question: Was that before Thomas drew his pistol?

Answer: Yes, sir. Question: Before he spoke to God-Answer: Yes, sir.

Question: He just got scared at the sight of Thomas, and ran between Mr. Wood and your brother? Answer: Yes, sir, Question: When was it he threw up

his hand with nothing in it? Answer: That was the second time Question: What second time? Answer: The second time Mr. Thomas passed him, I tole you, Question: What was Godfrey doing

with his stick at the first time you speak Answer: Had his right hand on the top of it, and the stick sorier behind him, leaning on it.

Question: And at the sight of Thomas he broke and ran between Wood and Answer: Yes, sir. Question: It was the second time that Thomas spoke to Godfrey?

Answer: Yes, sir. Question: What else did Thomas de that time? Answer: He shet up his knife, run his hand into his breeches pocket,

Question: Do you know Mr. Joe Thomas again about noon, Billy Foster?

Answer: Yes, sir.

Question: Did you not tell Mr. Foster, a few days after the killing, that when Thomas first approached Godfrey, that Godfrey struck at Thomas with his cane, in his left hand, and went affer his pistol with his right hand, but that Thomas got his pistol out quicker than any man you ever saw?

Answer: Me tell him that? Question: Yes, did you not tell him that or words to that effect?

Answer: Do he say I tole him that? Question: Never mind what he says, did you or did you not tell him that? Answer: If I ever told him that, I hope I never speak another word; I hope never will. If he say that-well!

Question: Do you know Tom Jackon, a negro preacher?

Question: Did you not make a statenent to him in substance the same as to Mr. Foster? Answer: No, sir; and if he say I did,

he's a mighty pore preacher. You may stand aside, said Mr. Voorhies, "All right." said the witness, but if these men come here and say I tole them that, I want you gentlemen to call me back again and let me tell 'em Zeilner go after your horse and bring it what I said.

Sam Harlan, Colored,

who was carrying the rear end of the surveyor's chain, was the next witness called. He was an eye witness to the tragedy, and corroborated the testimony given by the other eye witnesses, Messrs. Howell, Woods and Lee Harlan. He Thomas several years. Before his diffi-testified that he said to Mr. Thomas as culty with Godfrey, he had a conversae, Thomas, passed him (the witness) tion with him on the Farmers' "Mr. Thomas please don't do that." He chants' Bank corner. That was the first had heard of the feeling between, and Monday in October. He had been furhad heard of the feeling between, and saw a knife in Thomas' hand, was why he said that. He also heard his brother Lee nek Thomas to stop, and also saw and heard Mr. Wood try to stop him. but he paid no heed to any of them but for three weeks and was greatly worressed ra, idly on and commenced fir ried. "I wouldn't worry so much about ing and Godfrey commenced retreating |

After the third shot, this witness said, Godfrey stopped running, and was standing bent over with his hands holding his stomach, looking back over his shoulder at Thomas, and Thomas walked up nearly to him and shot him the fourth time, and he staggered and fell, saying, "now you have killed me." The witness said that he said twice to Mr. Thomas, just before the shooting began, "please don't do that," "please on't do that." Thomas made no reply, but pressed on. Cross Examined: You and Thomas

don't speak, do you? Answer: Yes, Sir, we do.

Question: You are not on good terms, Answer: I've got nothing against him. Question: Do you know Mr. Jno. M.

Burns? Answer: Yes, sir. Question: Did you tell Mr. Burns that when Thomas accosted Godfrey, God-

frey threw one hand up and the other one behind him? Answer: Yes, sir. He kept on after me to tell him something, and I told him that much, and told him to come to

the trial and hear me tell it all.

Miss Grace Smith Question: What reply did Thomas was the next witness called, and her sweet face and modest demeanor, won for her at once the sympathy of the large sion of his place? crowd present. Her testimony was not very important. She saw a man she took to be Thomas, going in the direction of the difficulty, and just before the firing began, heard some one say, "go way from here, go away." When the shooting began she ran into the house

Mrs. W. H. Oakley was next called. Her home was about 300 yards from the place of the difficulty, and she was sitting on the front porch in full view, but could not tell much because because of the distance. The important part of her testimony related to threats made by Tnomas against Godfrey. In answer to a question she said, "At my home, in the presence of my husband, I heard Mr. Chomas say that if Mr. Godfrey ever came on the place while he was in possession, he would have to be hauled

Cross-Examined: Did'nt Thomas tell you and your husband that Godfrey had been raising difficulties with him and trying to run him off the place, and that if he kept on coming there for that purpose, they would have to haul him off? Answer: No, he did'nt say that in my hearing.

Mrs. Geo. W. Howell Answer: No, sir.

Question: What had he done with it? was the next witness. Her testimony

was unimportant. W. H. Oakley was the next. He lives adjoining the

Fly farm and a neighbor to the defendant. He, Thomas, the witness said, told him at his residence, in the pres-ence of his wife, that "if Godfrey ever came on the place again while he had it, and he saw him, they would have to haul him away." "He also told me, at my barn," said the witness, "that he would kill Godfrey if he ever caught "He also told me, at him on the place again." Cross-Examined: What reason did he give?

Answer: None that I remember. Question: Didn't tell you that Godfrey had threatened him, and was trying to run him off?

Answer: No, he did not. Question: Just going to kill him without giving any reason, was he? Answer: I was trying to think if he ever gave me any; don't think he ever did, though I heard him make the

threat several times. Question: Didn't you tell Jerry Stone and Charley Hull that Thomas said that he would not burt a hair of Goofrey shead, if he would only stay away from that place and let him alone? Answer: No, I never said that; he never told me that.

THURSDAY'S SESSION.

Court reconvened at 9 o'clock, and Leona Harian, colored, was the first witness placed on the stand. She stated that she was the daughter of Lee Harlan, and cooked for Thomas. Saw Thomas early on the morning of the difficulty when he left his home. He went in the direction of the "Concord" went in the direction of the "Concord" field. About 10 o'clock he returned to the house and went in the family room. He came out shortly afterwards and went to the stable and called Collie Stone. She didn't see Mr. Stone, Thomas returned to the house, got on his burney. Thomas returned to the house, got on his burney that for you." Nothing was said about Godfrey as he drove up, but after Godfrey had passed into the Thomas returned to the house, got on his horse and went across the field in the after Thomas left, and went off in the conducted by Mr. Voorhies, did not bring out any material points. Witness but did't hear any shots. She direction of the place where the killing

Cross examined by Mr. Figuers-Mrs. Thomas had been in bed sick for quite a while, and Thomas came in and out frequently during the day to see her.

W. P. Howell.

Witness lived about two miles from the place of the difficulty. He did not see the killing. Had known Thomas quite a while. Q. Did you have a conversation with

Thomas previous to the difficulty, dur-ing which Godfrey was mentioned? A. Yes. The Sunday before the difficulty I took dinner with him. After dinner the subject of dividing the land came up, and Thomas said be had beard they had an order from court and were going to survey the land, and expected Godfrey out that week to sur-Thomas said he wouldn't let Godfrey come on the place, that if he did he would kill him. He had known Godfrey as Professor Godfrey, and J. G. Godfrey, but not as J. D. Godfrey, Cross-examined by Mr. Voorhies-Q. You and Godfrey were not friends, were

A. Well, we were not on intimate terms.

Where did this conversation take place?

A. In the barn. Q. Was any bod A. No, we were Was anybody else there?

No, we were by ourselves, As a matter of fact, didn't Jet to you, and you did not go to the barn at all?

A. No, sir, I went to the barn,
Q. You are an infidel, are you not?
A. There are some paris of the
Scriptures I do not believe.

W. J. Guest was the next witness. He had known nishing Thomas with ice for his sick wife, and meeting him on the corner asked bim how she was. Thomas replied that she was worse; that she had and a back set; that he hadn't slep any it," I said, "We all have sickness." is not that that is worrying me," replied Thomas. "That fellow Godfrey has been down interfering with my hands," Thomas told witness that if Godfrey with his hands, he would kill him. Crossed-examined by Mr. Figuers-Thomas said Godfrey had been inter-tering with his business, and also said

something about some corn or wheat,

Mrs. L. W. Voss. Witness testified that she lived about wo miles from Columbia on the Hampshire pike, and her husband conducts a store. She knew the defendant, and previous to the killing heard a conver-sation he had in the store, in which Godfrey's name was mentioned. That was on Wednesday or Thursday before the killing. Thomas spoke about God-frey levying on his wheat, and said that if Godfrey came on his place he would kill him. Previous to that she heard another conversation, in which reference was made to a quarrel which Thomas and Godfrey had had. Thomas entled Godfrey a low-down seoundrel, and said he (Thomas) had made him Godfrey) drop his hat and run. Thomas was mad at him because he had levied on his wheat. Previous to this she had heard Thomas, make another threat against Godfrey. He said that if Godfrey came on his place he would

A. I did not hear him. Witness said she saw Godfrey the I did not hear him. same day of the difficulty. She didn't see him have a gun, nor hear him sav that he was going to the house to get one. She didn't tell Mr. May-berry that Godfrey had a pistol. Godfrey mentioned the difficulty Thomas had had with him, and seemed to be ashamed over the matter, and said he thought it was low-down for men to be

getting in difficulties and fighting. J. W. Dawson

Was called to the stand. Witness said he had a conversation with Thomasabout three months before the killing. The conversation took place on Thomas place. Thomas said if Godfrey ever put his foot on his place he would kill him. That was all the witness remembered.

C. A. Parker, Cashier of the Maury National Bank, stated that Godfrey had an account at his bank, and signed his name J. G.

Godfrey. John Hoffman, of the Tenth district, said he had a conversation with Thomas the last of July or the first of August, in which Thomas said he had met Godfrey on the pike. and that he (Thomas) jumped off his wagon and hit him (Godfrey) with his whip, calling him a vile name. Thomas said he wasn't satisfied, and intended to kill him, saying, "I wouldn't any more mind killing him than a sheep killing dog," and that "he would do it if h hopped into hell the next minute." That night at the threshing camp he heard Thomas talking again, making the same threats, and using very offensive language in referring to Godfrey. Thomas said Goofrey was stopping him from selling his wheat. The witness was cross-examined by Mr. Voorhies, but nothing of import-

ance was brought out.

L. W. Voss who conducts a store on the Hampshire pike, said he heard Thomas speaking of Godfrey several months before the killing. He threstened to kill Godfrey if he ever came on his place, saying that Godfrey hadn't treated him right.
Afterwards, he heard Thomas talking about the wheat matter. He made another threat then to kill Godfrey. Cross-examined by Mr. Voorhies-

Q. Wasn't Godfrey at your store one day waiting for Thomas with a gun? A. No, sir. I didn't see him with a gun. W. M. Beard

stated that he had a conversation with Thomas at the latter's house during the last of July or the first of August Thomas referred to the difficulty on the pike, saying that he "had given Gor-frey the devil that day" Thomas said. "I'll kill him yet, if God will be good to me," and added that "it would be no more harm to kill him than a shepher i dog." He said Godfrey ran like a turke o when he whipped him on the pike. About Aug. 20 the witness had another convensation with Thomas, during which Thomas said, "Let me ever see him (Godfrey) make a track on my place and I will kill the—"(using a vile name) Witness told him to let him intrude, rather than do that. He said,

'I'll hill him, I'll kill him." The witness told of a meeting b-tween Godfrey and Thomas at Concord church in the spring of 1900. He and Thomas were standing at the gain.

yard, Thomas said that Godfrey had offered him an insult.